

UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WISCONSIN

IN RE
Steven Theodore Rapraeger Steven T Rapraeger
and Kathleen Jane Rapraeger Kathleen J Rapraeger
fka Kathleen Jane Kinder

Chapter: 13
Case No. 13-10869-cjf

Debtors.

**MOTION OF THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS TRUSTEE
FOR GMACM HOME EQUITY LOAN TRUST 2006-HE3 FOR RELIEF FROM THE
AUTOMATIC STAY**

The Bank of New York Mellon Trust Company, N.A., as Trustee for GMACM Home Equity Loan Trust 2006-HE3, the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively and at all times material hereto "the movant"), through its attorneys, Gray & Associates, L.L.P., hereby moves the court for an order for relief from the automatic stay pursuant to section 362(d) of the Bankruptcy Code and alleges as follows:

1. The movant holds a promissory note and mortgage encumbering real property owned by the debtor(s) and located at 120 E Clyde St, Holmen, WI 54636-9777. A copy of the mortgage and note are attached hereto and their contents are incorporated herein by reference.
2. That since the commencement of this case (or the resolution of the prior motion for relief from the automatic stay herein, if any), post-petition monthly mortgage payments have not been received as required by the terms of the plan in this case and, accordingly, the movant's records reflect that the following post-petition arrearage has accrued:

Drafted by:

Jay Pitner
Gray & Associates, L.L.P.
16345 West Glendale Drive
New Berlin, WI 53151-2841
Phone: (414) 224-8404
Fax: (414) 224-1279
Email: jpitner@gray-law.com

Gray & Associates, L.L.P. is attempting to collect a debt and any information obtained will be used for that purpose. If you have previously received a discharge in a chapter 7 bankruptcy case, this communication should not be construed as an attempt to hold you personally liable for the debt.

7/15/14 through 10/15/14	\$1,072.56
4 mortgage payments @ \$268.14	
Attorneys' fees and costs:	<u>826.00</u>
POST-PETITION ARREARAGE	<u>\$1,898.56</u>

3. That the default in payments constitutes "cause" for terminating the automatic stay under section 362(d)(1) of the Bankruptcy Code.

4. That failure to make the monthly payments has resulted in the loss of adequate protection of the movant's interest in the encumbered property, thereby entitling the movant to relief from the automatic stay under section 362(d)(1) of the Bankruptcy Code.

WHEREFORE, the movant requests that the automatic stay be terminated pursuant to section 362(d) of the Bankruptcy Code so that the movant may protect, exercise and enforce its rights pursuant to said note and mortgage, while reserving the estate's interest in any surplus funds which might exist after the movant has been paid in full, that the movant's legal fees and costs associated with this motion be approved, that any order entered pursuant to this motion be effective immediately upon its entry and for such further relief as may be just and equitable.

Dated this 29th day of October, 2014.

Gray & Associates, L.L.P.
Attorneys for Movant

By: /s/ Jay Pitner
Jay Pitner
State Bar No. 1010692

UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WISCONSIN

IN RE
Steven Theodore Rapraeger Steven T Rapraeger
and Kathleen Jane Rapraeger Kathleen J Rapraeger
fka Kathleen Jane Kinder

Chapter: 13
Case No. 13-10869-cjf

Debtors.

**NOTICE OF MOTION OF THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.,
AS TRUSTEE FOR GMACM HOME EQUITY LOAN TRUST 2006-HE3 FOR RELIEF FROM
THE AUTOMATIC STAY**

The Bank of New York Mellon Trust Company, N.A., as Trustee for GMACM Home Equity Loan Trust 2006-HE3, the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively and at all times material hereto "the movant"), has filed papers with the court for an order for relief from the automatic stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, **within fourteen (14) days of the date of this notice**, you or your attorney must do the following:

File with the court a written objection to the motion and a request for a hearing with:

Clerk, U.S. Bankruptcy Court
U.S. Courthouse

Drafted by:

Jay Pitner
Gray & Associates, L.L.P.
16345 West Glendale Drive
New Berlin, WI 53151-2841
Phone: (414) 224-8404
Fax: (414) 224-1279
Email: jpitner@gray-law.com

Gray & Associates, L.L.P. is attempting to collect a debt and any information obtained will be used for that purpose. If you have previously received a discharge in a chapter 7 bankruptcy case, this communication should not be construed as an attempt to hold you personally liable for the debt.

500 S Barstow St
Eau Claire, WI 54701-3657

If you mail your request and objection to the court for filing, you must mail it early enough so the court receives it within 14 days of the date of this notice.

You must also mail copies of the written objection and request for a hearing to:

Jay Pitner
Gray & Associates, L.L.P.
16345 West Glendale Drive
New Berlin, WI 53151-2841

Mark Harring
Chapter 13 Trustee
131 W Wilson St Ste 1000
Madison, WI 53703-3260

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated this 29th day of October, 2014.

Gray & Associates, L.L.P.
Attorneys for Movant

By: /s/ Jay Pitner
Jay Pitner
State Bar No. 1010692

IN RE

Chapter: 13

Steven Theodore Rapraeger Steven T Rapraeger

and Kathleen Jane Rapraeger Kathleen J Rapraeger Case No. 13-10869-cjf

fka Kathleen Jane Kinder

Debtors.

AFFIDAVIT OF SERVICE

STATE OF WISCONSIN)
)ss
WAUKESHA COUNTY)

Jeff Gauer, being first duly sworn on oath deposes and says that I am an employee of the firm of Gray & Associates, L.L.P., attorneys for creditor identified herein, and that on the 29th day of October, 2014, I electronically filed the annexed notice of motion and motion for an order for relief from the automatic stay and that copies of these documents were mailed, properly enclosed in a postage paid envelope, or served electronically if the party accepts electronic service, to the following:

Kathleen Jane Rapraeger
120 E Clyde St
Holmen, WI 54636-9777

Steven Theodore Rapraeger
120 E Clyde St
Holmen, WI 54636-9777

Mark Harring Trustee
131 W Wilson St Ste 1000
Madison, WI 53703-3260

Western District U.S. Trustee
780 Regent Street, Suite 304
Madison, WI 53715

Galen W. Pittman
300 North 2nd Street, Suite 210, P.O.
Box 668
La Crosse, WI 54602-0668

Dated this 29th day of October, 2014.

/s/ Jeff Gauer
Jeff Gauer, Analyst

Subscribed and sworn to before me
this 29th day of October, 2014.

/s/ Kathleen C. Kaschak
Kathleen C. Kaschak, Notary Public
State of Wisconsin
My commission expires: 05/16/2017.

Gray & Associates, L.L.P. is attempting to collect a debt and any information obtained will be used for that purpose. If you have previously received a discharge in a chapter 7 bankruptcy case, this communication should not be construed as an attempt to hold you personally liable for the debt.